

Message Text

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TAGS: SHUM
SUBJECT: HUMAN RIGHTS COUNTRY REPORT: MADAGASCAR

REF: A) STATE 212861; B) STATE 215935

I. THE DEMOCRATIC REPUBLIC OF MADAGASCAR, ESTABLISHED IN 1975, HAS FOLLOWED THE MALAGASY NATIONAL TRADITION OF HUMANE RULE. ALTHOUGH POLITICAL ACTIVITY IS RESTRICTED TO SUPPORTERS OF THE PRESENT REGIME, THERE IS FREEDOM OF THOUGHT AND RELIGION, OPPOSITION LEADERS ARE AT LIBERTY, AND THERE ARE VIRTUALLY NO MALAGASY POLITICAL PRISONERS. THE GOVERNMENT ESPOUSES AN EGALITARIAN POLITICAL PHILOSOPHY AND A SOCIALIST ECONOMIC DOCTRINE. ALTHOUGH IMPLEMENTATION HAS JUST BEGUN, AND IS HAMPERED BY MANY INSTITUTIONAL AND HUMAN FACTORS, THE GOVERNMENT APPEARS TO BE CONCERNED WITH ENHANCING THE WELL BEING OF THE POPULATION AS A WHOLE AND THE RURAL POPULATION IN PARTICULAR, WITH SPECIAL EMPHASIS ON THE REMOTE AND IMPOVERISHED AREAS OF THE COUNTRY.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM;

A. TORTURE

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THERE HAVE BEEN REPORTS OF OCCASIONAL USE OF PHYSICAL PRESSURE IN THE QUESTIONING OF FOREIGN AND MALAGASY PRISONERS ARRESTED FOR SUSPECTED ACTIVITIES AGAINST THE STATE, BUT THESE SEEM TO BE THE EXCEPTION RATHER THAN THE RULE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR

PUNISHMENT

THE PRISONS ARE VERY CROWDED AND CONDITIONS ARE FAIRLY PRIMITIVE, BUT ON A PAR WITH THE COUNTRY'S GENERAL LIVING STANDARDS. MISTREATMENT OF PRISONERS IS FORBIDDEN BY PRISON REGULATIONS, WHICH ARE NOT ALWAYS RESPECTED. BUT THERE DOESN'T SEEM TO BE ANY SYSTEMATIC ABUSE OF PRISONERS.

C. ARBITRARY ARREST OR IMPRISONMENT

INDIVIDUALS SUSPECTED OF ACTIVITY AGAINST THE STATE CAN BE ARRESTED AND HELD INCOMMUNICADO FOR THREE WEEKS. THEY CAN BE HELD INDEFINITELY WITHOUT CHARGES BEING FILED OR WITHOUT A TRIAL. SOME FOREIGNERS AND MANY MALAGASY HAVE BEEN HELD FOR LONG PERIODS OF TIME WITHOUT TRIAL, IN THE CASE OF THE FOREIGNERS FOR ALLEGED ACTIVITIES AGAINST THE STATE.

D. DENIAL OF FAIR PUBLIC TRIAL

MILITARY TRIALS CAN BE HELD IN CAMERA. THREE FOREIGNERS WERE RECENTLY SENTENCED FOR UNAUTHORIZED OVERFLIGHT AND ENTRY INTO MADAGASCAR AT SUCH A TRIAL. A CIVILIAN COURT CAN ALSO CLOSE A TRIAL TO THE PUBLIC IF IT BELIEVES THE PROCEEDINGS COULD BE DANGEROUS FOR THE STATE LIMITED OFFICIAL USE

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OR HARMFUL TO PUBLIC MORALS, I.E. CASES OF NATIONAL DEFENSE OR CONDEMNATION OF MINORS.

E. INVASION OF THE HOME

PROCESS SERVERS CAN ONLY ENTER A PRIVATE DWELLING DURING DAYLIGHT HOURS. POLICE CAN ENTER AT ANY TIME IF IN POSSESSION OF WRITTEN ORDERS FROM THE CHIEF OF POLICE OR A HIGH MAGISTRATE.

THE PRESENT GOVERNMENT HAS NOT HAD A GOOD RECORD INSOFAR AS ENFORCING RESPECT FOR THE PERSON, PRIVATE PROPERTY, OR THE HOME BY PRIVATE PARTIES. ALTHOUGH ONE OF ITS OBJECTIVES IS AN IMPROVEMENT IN PUBLIC SECURITY, THIS OBJECTIVE IN ITSELF IS AN ADMISSION THAT THE SITUATION IS NOT GOOD. THERE ARE NUMEROUS ROBBERIES, MANY ARMED, IN THE CAPITAL, AND A GENERAL SENSE OF INSECURITY IS SAID TO REIGN IN PARTS OF THE COUNTRYSIDE. IN MAY 29-30, FOLLOWING A STUDENT POLICE CONFRONTATION, THE CAPITAL WAS LEFT VIRTUALLY UNPROTECTED FOR A 24 HOUR PERIOD AS THE POLICE WENT OFF THE JOB AND A MOB BURNED DOWN SEVERAL POLICE BUILDINGS AND LOOTED STORES OWNED

BY INDIAN MERCHANTS. IN DECEMBER 1976, OVER 1,000 COMORIAN ISLANDERS LIVING IN THE COASTAL CITY OF MAJUNGA WERE KILLED IN A RACIAL CLASH WHILE NO ATTEMPT WAS MADE TO PROTECT THEM FROM THE MALAGASY MOB. OVER 150 OF THE MALAGASY RESPONSIBLE FOR THIS VIOLENCE WERE, HOWEVER, SUBSEQUENTLY SENTENCED TO TERMS RANGING FROM 3 MONTHS TO 15 YEARS.

2. GOVERNMENTAL POLICIES RELATING TO THE FULLFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE, AND EDUCATION.

THE CHARTER OF THE SOCIALIST REVOLUTION CALLS FOR A STRUGGLE ".....AGAINST HUNGER, IGNORANCE, SICKNESS, LIMITED OFFICIAL USE

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AND INJUSTICE," THE ATTAINMENT OF "HAPPINESS FOR ALL," AND FOR AN END TO "DOMINATION OF MAN BY MAN, AND ALL ORMS OF OPPRESSION AND DOMINATION." IT IS INTENDED TO PURSUE THESE GOALS BY THE INSTITUTION OF A SOCIALIST ECONOMY. ALTHOUGH THE GOVERNMENT ESTIMATES THAT IT NOW CONTROLS OVER 60 PERCENT OF THE ECONOMY, THIS HAS NOT YET HAD A NOTICEABLE EFFECT ON THE LIVES OF THE POPULATION AT LARGE. THE GOVERNMENT IS EAGER TO PURSUE ECONOMIC DEVELOPMENT AND IS RECEIVING CONSIDERABLE FOREIGN ASSISTANCE FOR THE PURPOSE. HOWEVER, DEVELOPMENT PLANS AND FOREIGN ASSISTANCE PROJECTS GIVE MUCH EMPHASIS TO INFRASTRUCTURE AND INDUSTRY.

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THE TASK OF ECONOMIC DEVELOPMENT AND OF BRINGING ITS BENEFITS TO THE POPULATION HAVE BEEN AND WILL CONTINUE TO BE HAMPERED BY MALADMINISTRATION AND THE REPORTED EXISTANCE OF CORRUPTION. THE ECONOMIC WELL BEING OF CITY DWELLERS MAY WELL HAVE DECLINED OVER THE PAST SEVERAL YEARS AS PRIVATE ECONOMIC ACTIVITY HAS DIMINISHED AND GOVERNMENT INVESTMENT HAS NOT YET TAKEN UP THE SLACK. FOR THE 85 PERCENT OF THE POPULATION WHICH LIVES ON SUBSISTENCE FARMING, THIS ECONOMIC EVOLUTION HAS HAD LITTLE IMPACT. STANDARDS OF LIVING DIFFER WIDELY BETWEEN REGIONS AND ECONOMIC CLASSES.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

FREEDOM OF THOUGHT AND RELIGION ARE FULLY RESPECTED IN MADAGASCAR. FREEDOM OF SPEECH IS GENERALLY RESPECTED, BUT ANYONE SPEAKING TOO OVERTLY AGAINST THE GOVERNMENT'S POLICIES IS TAKING A RISK, AS ARTICLE 16 OF THE CONSTITUTION AUTHORIZES THE SUSPENSION OF THE RIGHTS AND LIBERTIES OF INDIVIDUALS "IMPEDING THE ADVENT OF THE SOCIALIST STATE." FREEDOM OF ASSEMBLY AND PRESS ARE LIMITED. PERMITS ARE NEEDED TO HOLD ASSEMBLIES AND LIMITED OFFICIAL USE

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THESE CAN LEGALLY BE WITHHELD ACCORDING TO THE CONSTITUTIONAL ARTICLE CITED ABOVE. IN FACT, NO ASSEMBLIES AGAINST THE GOVERNMENT HAVE BEEN HELD SINCE EARLY 1977, ALTHOUGH STUDENTS OCCASIONALLY DEMONSTRATE THEIR DISPLEASURE AT SPECIFIC GOVERNMENT ACTIVITIES IN THE FIELD OF EDUCATION. THERE IS PRE-PUBLICATION CENSORSHIP OF THE PRESS AND AS A RESULT NO ARTICLES ARE PUBLISHED WHICH WOULD DISCOMFORT THE GOVERNMENT OR ITS INTERNATIONAL FRIENDS. SUSPENSION OF PUBLICATIONS IS AUTHORIZED FOR PERTURBATION OF PUBLIC ORDER OR ENDANGERING NATIONAL UNITY, OR FOR REPEATED INSTANCES OF CENSORSHIP, BUT THIS HAS HAPPENED ONLY ONCE UNDER THE NEW CONSTITUTION. RADIO AND T.V. ARE GOVERNMENT-RUN, AND THE LINE IS HEAVILY MARXIST-SOCIALIST, WITH CONSIDERABLE ANTI-WESTERN PROPAGANDA.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

TRAVEL IS NOT RESTRICTED WITHIN THE COUNTRY, BUT IS HAS BECOME INCREASINGLY DIFFICULT TO OBTAIN PASSPORTS OR

AUTHORIZATION TO TRAVEL ABROAD EXCEPT ON BUSINESS. MOREOVER, THE GOVERNMENT HAS SHARPLY LIMITED FUNDS WHICH MAY BE TAKEN OUT OF THE COUNTRY, FURTHER LIMITING TRAVEL POSSIBILITIES. EMIGRATION IS NOT MUCH OF AN ISSUE, BUT WOULD BE MADE DIFFICULT BY THE SAME RESTRICTIONS.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

POLITICAL FREEDOM IS LIMITED BY THE GOVERNMENT'S PROHIBITION OF POLITICAL ACTIVITY BY ALL BUT A HAND-FULL OF POLITICAL ORGANIZATIONS WHICH "FULLY SUPPORT LIMITED OFFICIAL USE

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THE AIMS OF THE REVOLUTION." THE ORGANIZATIONS ARE SPECIFIED BY ORDINANCE AND THEIR ACTIVITIES MUST BE EXERCISED ONLY WITH THE CONTEXT OF THE NATIONAL FRONT FOR THE DEFENSE OF THE REVOLUTION OF WHICH THEY ARE THE ONLY MEMBERS. THE FRONT SUBMITTED A SINGLE LIST OF CANDIDATES FOR THE NATIONAL ASSEMBLY ELECTIONS OF JUNE 31, 1977, THE LAST NATIONAL ELECTIONS TO BE HELD.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT PERMITTED AN INVESTIGATION BY THE ORGANIZATION OF AFRICAN UNITY (OAU) OF THE 1976 MASSACRE OF COMORIANS IN MAJUNGA CITED ABOVE. THE INVESTIGATORS WERE PERMITTED TOTAL FREEDOM OF MOVEMENT AND ACCESS TO ALL PERSONS CONCERNED. THEIR REPORT IS SAID TO BE HIGHLY CRITICAL OF THE MALAGASY GOVERNMENT'S PERFORMANCE IN THIS INCIDENT BUT IT HAS NEVER BEEN DISSEMINATED BY THE OAU. IT IS DOUBTFUL THAT THE GOVERNMENT WOULD BE RECEPTIVE TO OTHER ORGANIZATIONS INVESTIGATING ALLEGED VIOLATIONS OF HUMAN RIGHTS. BOTH PRESIDENT RATSIRAKA AND FOREIGN MINISTER RICHARD HAVE, DURING THE PAST YEAR, PUBLICLY CRITICIZED THE UNITED STATES CAMPAIGN ON HUMAN RIGHTS.

II. ANALYSIS AND RECOMMENDATIONS

1. OBJECTIVES

A. IMPORTANCE: LEGITIMATE OBJECTIVES OVER THE NEXT THREE, SIX, OR TWELVE MONTHS TO IMPROVE SITUATION WOULD BE THE FOLLOWING: SPEEDING UP THE JUDICIAL PROCESS FOR BOTH MALAGASY AND FOREIGNERS, PARTICULARLY THOSE IMPRISONED ON SUSPICION OF ACTIONS AGAINST THE STATE; PERMITTING THE PRESS TO PUBLISH MORE NEWS FAVORABLE TO

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THE FREE WORLD, PARTICULARLY WITH REGARD TO KOREA, CONCERNING WHICH ONLY THE NORTH KOREAN LINE IS ALLOWED TO CIRCULATE; PERMITTING POLITICAL ACTIVITIES BY PARTIES AND PERSONS NOT INCLUDED IN THE NATIONAL FRONT FOR THE DEFENSE OF THE REVOLUTION. ALL OF THESE ARE IMPORTANT AS THEY REPRESENT THE UNFAVORABLE EXTREMES OF A REGIME WHOSE RECORD MUST COMPARE FAVORABLY WITH OTHER AFRICAN OR THIRD WORLD COUNTRIES.

B. FEASIBILITY: THERE IS A POSSIBILITY OF PROGRESS THROUGH U.S. ACTION ON THE FIRST TWO OBJECTIVES AS WE HAVE BEEN DIRECTLY CONCERNED IN THESE PARTICLAAR ASPECTS OF HUMAN RIGHTS. AN AMERICAN PRISONER WAS HELD FOR OVER A YEAR WITHOUT TRIAL FOR ILLEGAL OVERFLIGHT AND ENTRY INTO MADAGASCAR. OUR PERSISTENT AND FORCEFUL PROTESTATIONS ON HIS BEHALF HAVE SERVED TO FUCUS THE

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GOVERNMENT'S OWN ATTENTION ON AND ADMIT THE SLOWNESS OF ITS JUDICIAL PROCESSES AND THE NEED FOR IMPROVEMENT. WE ARE CONTINUING TO MAKE OUR INTEREST EVIDENT BY PUSHING FOR AN EARLY HEARING ON THE PRINSONER'S APPEAL OF HIS SENTENCE. ON THE ISSUE OF FREEDOM OF THE PRESS, OUR PROTESTATIONS ABOUT THE DISTORTIONS OF U.S. POLICY ON KOREA PROPAGATED BY THE NORTH KOREAN EMBASSY HERE HAVE NOT YET HAD ANY VISIBLE RE-

SULT BUT HAVE SERVED TO BRING TO THE GOVERNMENT'S ATTENTION THE LIMITATION ON FREEDOM OF THE PRESS, ITS OBVIOUSNESS TO THE INTERNATIONAL COMMUNITY, AND ITS INCONSISTENCY WITH MADAGASCAR'S PROFESSIONS OF NON-ALIGNMENT. BECAUSE OF OTHER ASPECTS OF OUR LIBATERIAL RELATIONS, I AM PRESENTLY SOFTPEDALLING THIS ISSUE. I STILL HAVE HOPES THAT WE MAY EVENTUALLY OBTAIN MORE EQUITABLE TREATMENT ON THE KOREAN ISSUE, WHICH NOW PROVIDES THE MOST FLAGRANT EXAMPLE OF THE LACK OF PRESS FREEDOM. I DO NOT THINK THERE IS ANY POSSIBILITY OF OBTAINING ANY CHANGES IN THE NEAR FUTURE ON THE DRM'S LIMITATION OF POLITICAL ACTIVITY TO THOSE PARTIES AND PERSONS WHO "SUPPORT THE REVOLUTION."

C. U.S. LEVERAGE: OUR ONLY LEVERAGE HERE IS THE FACT THAT THE FIRST TWO OBJECTIVES CITED DIRECTLY CONCERN LEGITIMATE U.S. INTERESTS AND THEREFORE GIVE LIMITED OFFICIAL USE

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US AN OPENING TO DISCUSS THEM WITH MALAGASY AUTHORITIES. ANY ATTEMPT TO DISCUSS THE THIRD OBJECTIVE, IN WHICH WE DO NOT HAVE A DIRECT INTEREST, WOULD BE HIGHLY RESENTED AT THIS TIME, PARTICULARLY AS OUR RELATIONS HAVE BEEN DOWNGRADED IN THE LAST THREE YEARS TO THE EXTENT OF NOT HAVING AN AMBASSADOR OR ANY BILATERAL GOVERNMENT TO GOVERNMENT AID PROGRAM. SOME VERY RECENT DEVELOPMENTS WHICH HOLD OUT THE HOPE OF IMPROVEMENT IN THE BILATERAL CLIMATE MIGHT SLIGHTLY INCREASE OUR LEVERAGE.

D. LIKELY INTERNATIONAL SUPPORT: I CANNOT ASSESS THE AMOUNT OF INTERNATIONAL SUPPORT WE COULD OBTAIN FOR US. INITIATIVES IN THIS FIELD. I DOUBT THAT IT WOULD BE MUCH, IF ANY.

E. OPTIONS: QUIET DIPLOMACY IS OUR ONLY OPTION AT THIS TIME. IF THE BILATERAL CLIMATE IMPROVES, THE PROSPECT OF RENEWED U.S. ECONOMIC ASSISTANCE MIGHT MAKE OUR APPROACHES MORE EFFECTIVE. I DO NOT THINK WE SHOULD USE THE PROSPECT OF AN EX-IM LOAN PRESENTLY UNDER CONSIDERATION TO REINFORCE ANY APPROACHES ON HUMAN RIGHTS AS IT MIGHT SCOTCH FROM THE START THE PRESENT POSSIBILITY OF AN IMPROVEMENT IN BILATERAL RELATIONS.

2. REACTIONS IN HOST COUNTRY

FOREIGN MINISTER CHRISTIAN REMY RICHARD REFERRED TWICE TO THE U.S. HUMAN RIGHTS CAMPAIGN IN 1977. AT A MEETING IN NORTH KOREA IN SEPTEMBER, HE CRITICIZED

IMPERIO-CAPITALISTS FOR "TRYING TO IMPOSE ON OTHERS
CERTAIN NORMS CONTRARY TO THE MAINTENANCE OF THEIR OWN
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SECURITY," AND SPECIFICALLY CITED THE U.S. HUMAN RIGHTS
CAMPAIGN AS AN EXAMPLE. IN
OCTOBER HE USED THE SAME WORDS IN HIS SPEECH TO THE
UNGA WITHOUT CITING THE U.S. OR THE HUMAN RIGHTS
CAMPAIGN BY NAME, BUT REFERRING INSTEAD TO "MORALIZING
PRINCIPLES." IN DECEMBER OF 1977, PRESIDENT RASIRAKA
TOLD THE WEEKLY NEWS MAGAZINE AFRIQUE-ASIE THAT PRESI-
DENT CARTER'S HUMAN RIGHTS POLICY WAS TWO-SIDED SINCE
THE WEST HAD DONE NOTHING TO BRING ABOUT RESPECT FOR
HUMAN RIGHTS IN COUNTRIES LIKE CHILE, BRAZIL, SOUTH
KOREA, SOUTH AFRICA AND RHODESIA. THEREFORE, CONCLUDED
RATSIRAKA, THE U.S. HUMAN RIGHTS CAMPAIGN MUST BE CON-
SIDERED AS A "TACTICAL OPERATION." (REF 78 ANT 0017).
AS STATED ABOVE, OUR APPROACHES ON SLOW JUDICIAL PRO-
CEDURES AND FREEDOM OF THE PRESS HAVE BEEN TOLERATED
AS THEY CONCERNED SPECIFIC APPLICATIONS OF UNQUESTIONABLE
CONCERN TO THE U.S. WE HAVE HAD NO OTHER MEANINGFUL
REACTIONS FROM NON-GOVERNMENTAL PARTIES.

3. EVALUATIONS OF REACTIONS

AS STATED ABOVE, WE MAY HAVE INCREASED AWARENESS AND
SENSITIVITY WITHIN THE LOCAL GOVERNMENT CONCERNING
SLOW JUDICIAL PROCESSES AND THE INCONSISTENCY OF THE
RESTRICTIONS ON FREEDOM OF THE PRESS WITH HUMAN RIGHTS
AS COMMONLY UNDERSTOOD.

4. A. IMPACT ON OTHER U.S. INTERESTS: IF ANYTHING
IMPACT HAS BEEN FAVORABLE ON OVERALL RELATIONS IN THE
LONG RUN BY REMINDING MALAGASY GOVERNMENT THAT GOOD
RELATIONS ARE A TWO WAY STREET AND IT MUST CONTRIBUTE
TO THEM.

B. IN VIEW OF FORMALLY DECLARED POSITION OF HOST
GOVERNMENT AGAINST USG HUMAN RIGHTS CAMPAIGN, I CONSI-
DER IT TOTALLY UNLIKELY THAT THE DRM WOULD SUPPORT U.S.
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EFFORTS OF THIS KIND. HOWEVER, IN VIEW OF ITS OWN
FAVORABLE RECORD ON SOME ASPECTS OF HUMAN RIGHTS, THE
GOVERNMENT MIGHT SUPPORT HUMAN RIGHTS MEASURES IN
INTERNATIONAL ORGANIZATIONS INITIATED BY OTHERS,

PARTICULARLY THOSE DEALING WITH VITAL NEEDS AND RES-
SPECT FOR THE PERSON.BARRETT

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